



DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
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WASHINGTON, D.C. 20350-1000

SECNAVINST 1920.7A
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February 12 1998

SECNAV INSTRUCTION 1920.7A

From: Secretary of the Navy
To: All Ships and Stations

Subj: CONTINUATION ON ACTIVE DUTY OF REGULAR COMMISSIONED
OFFICERS AND RESERVE OFFICERS ON THE RESERVE ACTIVE STATUS
LIST IN THE NAVY AND MARINE CORPS

Ref: (a) Title 10, United States Code
(b) DODDIR 1320.8 of 21 Oct 96 (NOTAL)
(c) SECNAVINST 1412.8 (NOTAL)
(d) SECNAVINST 1412.9A (NOTAL)
(e) SECNAVINST 1420.1A

1. Purpose. To establish policies and procedures under reference (a), in accordance with reference (b), governing the continuation of Regular commissioned officers on the Active Duty List (ADL) and continuation of Reserve commissioned officers on the Reserve Active Status List (RASL) of the Navy and Marine Corps who are subject to involuntary retirement or discharge for years of service or failures of selection for promotion. This instruction is a complete revision and should be read in its entirety.

2. Cancellation. SECNAVINST 1920.7.

3. Applicability. The provisions of this instruction are effective immediately and apply to all Regular and Reserve officers (except Regular limited duty officers and certain flag officers) serving in a grade above lieutenant junior grade in the Navy or first lieutenant in the Marine Corps who are subject to involuntary retirement or discharge for years of service or failures of selection for promotion. The continuation on active duty of Regular limited duty officers and Regular warrant officers is governed by references (c) and (d). The continuation on active duty of Regular officers for disciplinary or medical reasons is governed by sections 639 and 640 of reference (a).

4. Definitions. The following definitions, unless otherwise qualified, shall apply throughout this instruction:

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a. "Active Commissioned Service" - Service on active duty as a commissioned officer in a grade above warrant officer.

b. "Continuation" - The deferment of involuntary retirement or discharge for years of service or failures of selection for promotion of eligible Regular and Reserve officers serving in permanent grades above lieutenant (junior grade) in the Navy or first lieutenant in the Marine Corps.

c. "Continuation Selection Board" - A board of commissioned officers convened under section 611(b) of reference (a) for Regular officers or section 14101(b) of reference (a) for Reserve officers to recommend officers in one or more competitive categories who are subject to involuntary retirement or discharge for continuation on active duty pursuant to section 637 of reference (a) for Regular officers or section 14701 of reference (a) for Reserve officers.

d. "Commissioned Officer" - An officer in any of the Military Services who holds a grade and office under a commission signed by the President, and who is appointed as a Regular or Reserve officer. It does not include a commissioned warrant officer or a retired commissioned officer.

e. "Continuation Plan" - The annual Officer Grade Continuation plan approved by the Secretary of the Navy that issues continuation policy by grade and competitive category to meet service requirements.

5. Background. Sections 611, 637, 14101, and 14701 of reference (a) authorize the Secretary of the Navy, whenever the needs of the service require, to convene selection boards to recommend Regular and Reserve commissioned officers from within one or more competitive categories for continuation on the ADL and RASL, as appropriate, past their involuntary retirement or discharge date. Reference (b) sets forth the Department of Defense policy guidelines governing the continuation on active duty of Regular commissioned officers or in an active status of Reserve commissioned officers under those statutes.

6. Policy. It is the policy of the Department of the Navy to selectively continue Regular and Reserve commissioned officers, who would otherwise be separated for statutory reasons, to meet the present and projected officer needs by grade, competitive category, and skill identifiers authorized by the Chief of Naval Operations and the Commandant of the Marine Corps when those requirements cannot be met by in-zone promotion in the Regular Navy or Marine Corps, under the five-year promotion plan approved by the Secretary of the Navy. Selection boards for the continuation of commissioned officers on the Reserve Active

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Status List shall consider only those officers who apply for continuation.

7. Continuation on Active Duty

a. Grades O-3 and O-4

(1) Grade O-3 Continuation. A continuation selection board may be convened and may recommend for continuation on active duty for Regular officers, or in an active status for Reserve officers, those officers within one or more competitive categories who hold the permanent grade of lieutenant in the Navy or captain in the Marine Corps and are subject to involuntary discharge under section 632(a)(1) or removal from an active status under section 14505 of reference (a) respectively, for two failures of selection for promotion to the next higher grade, in numbers not in excess of those provided by the Secretary of the Navy in the continuation plan.

(a) Minimum Continuation Period. A Regular officer serving in the permanent grade of lieutenant in the Navy or captain in the Marine Corps who would have been discharged may be continued on active duty for a period prescribed by the Secretary of the Navy in the continuation plan, but not less than two years from the date on which such officer would have been required to be discharged under section 632(a)(1) of reference (a). The Secretary of the Navy may prescribe a lesser period of continuation if the officer is retirement eligible or within two years of qualifying for retirement on the date on which such officer should have been required to be discharged. For Reserve officers, the minimum continuation period shall be determined by the Secretary of the Navy.

(b) Maximum Continuation Period. A Regular or Reserve officer serving in the permanent grade of lieutenant in the Navy or captain in the Marine Corps who would have been discharged or retired may be continued on active duty for a period prescribed by the Secretary of the Navy in the continuation plan. Such officer may not be continued on active duty beyond: (1) the last day of the month in which the officer completes 20 years of active commissioned service or, (2) the first day of the month following the month in which a Regular officer becomes 62 years of age (60 years of age for Reserve officers), whichever is earlier, unless the officer is promoted to the grade of major or lieutenant commander, as appropriate.

(2) Grade O-4 Continuation. Regular officers within one or more competitive categories in the permanent grade of lieutenant commander in the Navy or major in the Marine Corps who are subject to discharge for failures of selection for promotion

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shall normally be selected by a selection board for continuation on active duty whenever the needs of the service require, in numbers not in excess of those provided by the Secretary of the Navy in the continuation plan. The Secretary may, in unusual circumstances, discharge involuntarily such officers after notifying the Secretary of Defense of the rationale for such action. The involuntary discharge shall not be used to circumvent legal proceedings, show cause procedures, or release an affected officer who is within two years of qualifying for retirement.

(a) Minimum Continuation Period. A Regular officer serving in the permanent grade of lieutenant commander or major shall be continued on active duty for a period of time prescribed by the Secretary of the Navy in the continuation plan. A Regular officer on active duty who is within six years of qualifying for retirement under section 6323 of reference (a) shall be continued on active duty at least until eligible for retirement under that statute in accordance with reference (b). For Reserve officers the minimum continuation period shall be determined by the Secretary of the Navy.

(b) Maximum Continuation Period. A Regular officer in the permanent grade of lieutenant commander or major who would have been discharged or retired may be continued on active duty for a period prescribed by the Secretary of the Navy in the continuation plan. Such officer may not be continued on active duty beyond: (1) the last day of the month in which the officer completes 24 years of active-commissioned service or, (2) the first day of the month following the month in which the officer becomes 62 years of age (60 years of age for Reserve officers), whichever is earlier, unless the officer is promoted to the grade of commander or lieutenant colonel, respectively.

(3) Declination of Continuation. A regular officer serving in the permanent grade of lieutenant or lieutenant commander in the Navy or captain or major in the Marine Corps who is selected for continuation on active duty but declines to continue on active duty shall be discharged, retired or retained on active duty, as appropriate, in accordance with section 632 of reference (a). Separations of regular officers under this paragraph are involuntary separations for purposes of reference (a). A Reserve commissioned officer who is selected for continuation under section 14701 of reference (a), but declines continuation, shall be separated from an active status under section 14513 or 14514 of reference (a).

(4) Retirement or Discharge of Continued Officers. Each officer who is continued on active duty or in an active status under subparagraph 7a of this instruction who is not subsequently promoted or continued on active duty or in an active status and is not on a list of officers recommended for continuation or for promotion to the next higher grade shall, unless sooner retired or discharged under another provision of law:

(a) be discharged upon the expiration of the period of continued service;

(b) if a Regular officer and within two years of qualifying for retirement under section 6323 of reference (a) shall, unless sooner retired or discharged under some other provision of law, be retained on active duty until qualified for retirement under that section and then be retired;

(c) if eligible for retirement under any provision of law, be retired under that law on the first day of the first month following the month in which the officer completes the period of continued service; or

(d) if a Reserve officer, be separated from active status in accordance with section 14513 or 14514 of reference (a).

(5) Involuntary Retirement. The retirement or discharge of a Regular officer serving in the permanent grade of lieutenant or lieutenant commander in the Navy or captain or major in the Marine Corps, upon completion of a period of continued service under this instruction, shall be considered to be an involuntary retirement or discharge.

b. Grades O-5 or above

(1) Grades O-5 and O-6 Continuation. Regular and Reserve officers in one or more competitive categories serving in the permanent grade of commander or captain in the Navy or lieutenant colonel or colonel in the Marine Corps who are subject to involuntary retirement for years of service and who are not on a list of officers recommended for promotion to the next higher grade may have their retirement deferred and be continued on active duty or active status as appropriate.

(2) Regular Grades O-7 and Above Continuation. Except as otherwise discussed in paragraph 3, a Regular officer who is serving in the grade of rear admiral (lower half) or rear admiral in the Navy or brigadier general or major general in the Marine Corps and is subject to involuntary retirement for years of service may, subject to the needs of the service, have their

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retirement deferred and be continued on active duty by the Secretary of the Navy. A Regular officer who is serving in a grade above rear admiral in the Navy or major general in the Marine Corps and is subject to involuntary retirement for years of service may have their retirement deferred and be continued on active duty by the President.

(3) Maximum Continuation Period

(a) Any deferral of retirement and continuation on active duty of a Regular officer or deferral of removal from the RASL of a Reserve officer serving in a grade above lieutenant commander in the Navy or major in the Marine Corps shall be for a period prescribed by the Secretary of the Navy in the continuation plan. Such period may not exceed five years or extend beyond the date of a Regular officer's 62nd birthday, except as provided by section 1251(b) of reference (a) or a Reserve officer's 60th birthday.

(b) The President may defer the retirement of a Regular officer serving in a position that carries a grade above major general or rear admiral provided such deferment does not extend beyond the first day of the month following the month in which the officer becomes 64 years of age, and not more than ten such deferments in the Army, Navy, Air Force, and Marine Corps are in effect at any one time.

(4) Declination of Continuation. A Regular officer serving in a permanent grade above lieutenant commander in the Navy or major in the Marine Corps who is selected for continuation on active duty under this instruction but declines to continue on active duty shall be discharged, retained or retired in accordance with applicable provisions of law. The retirement or discharge shall be considered to be involuntary for purposes of any other provision of law or regulation. A Reserve officer shall be separated from an active status.

8. Retention of Certain Professional Category Officers on the Reserve Active Status List. Subject to section 14703 of reference (a) and notwithstanding any provision of reference (b) the Secretary of the Navy may, with the officer's consent, retain in an active status any Reserve officer appointed in the Medical Corps, Dental Corps, Nurse Corps, or Chaplain Corps or appointed in the Medical Service Corps and designated to perform as a veterinarian, optometrist, podiatrist, an allied health officer, or biomedical sciences officer. An officer may not be retained in active status under this subsection later than the date on which the officer becomes 67 years of age.

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9. Continuation Selection Boards. The Secretary of the Navy will convene continuation selection boards to recommend Regular and Reserve officers (except limited duty officers and certain flag officers) serving in a grade above lieutenant (junior grade) in the Navy or first lieutenant in the Marine Corps for continuation on active duty or in an active status in accordance with the following guidance:

a. The provisions for promotion selection boards set forth in reference (e) regarding notice of convening, precept, membership, information furnished to the board, communication with selection boards and the proceedings are also applicable to continuation selection boards.

b. The results of continuation selection boards will be made known to affected officers sufficiently in advance of the date of their involuntary retirement or discharge, normally at least three months, so as to allow those officers who are continued and those who are not continued a reasonable period of time for personal planning. An officer who is selected for continuation on active duty or in an active status under this instruction shall be afforded an opportunity to accept or decline it.

c. The report of a continuation selection board shall be forwarded to the Secretary for approval, modification, or disapproval. Upon disapproval of the board report as to a particular officer selected for continuation, the Secretary may remove an officer's name from the board report. Once the board report has been approved by the Secretary, an officer selected for continuation shall be separated from active duty or from an active status only in accordance with procedures prescribed in chapter 60 or chapter 1411 of reference (a), unless the period of continuation for which an officer was selected has not yet commenced and action to remove the officer's name from the board report is to be completed prior to that date. The Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, may forward requests for such action to the Secretary. An officer whose name is to be removed shall be notified at least 30 days prior to the date on which the period of continuation is to begin and afforded the opportunity to make a statement to the Secretary, via the Chief of Naval Personnel or Commandant, as appropriate. After consideration of the officer's statement, the Secretary may discharge, retire, or retain the officer on active duty. Officers who do not receive 30 days notice or who receive timely notice but are not discharged or retired prior to the commencement of the period of continuation for which selected may be separated under the show cause procedures of chapter 60 or chapter 1411 of reference (a).

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10. Action. The Chief of Naval Personnel, under the direction of the Chief of Naval Operations, and the Commandant of the Marine Corps are assigned responsibility for their respective armed force for:

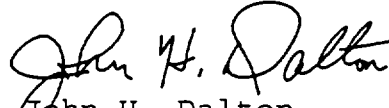
a. Administering the policies prescribed in this instruction and preparing continuation plans when the needs of the service require.

b. Preparing and submitting a continuation plan to the Secretary of the Navy for any fiscal year in which the needs of the service require utilization of the provisions of this instruction.

c. Maintaining statistical data, by grade, of Regular officers continued and not continued on the ADL; by grade, of Reserve commissioned officers continued or not continued on the RASL; and the number of officers, by grade, whose retirements have been deferred.

d. Recommending policy changes to reference (b) to the Secretary of Defense via the Secretary of the Navy and, the Under Secretary of Defense for Personnel and Readiness.

11. Reports. The reports required by this instruction are exempt from reports control by SECNAVINST 5214.2B.


John H. Dalton
Secretary of the Navy

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